

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

20 MAY 18 PM 3:19

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY SW DEPUTY CLERK

JOHNNY SATURN,
PLAINTIFF,

V.

AUSTIN BERGSTROM
INTERNATIONAL AIRPORT,
DEFENDANT.

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CAUSE NO. 1:20-CV-442-LY

ORDER

Before the court in the above-styled and numbered cause are Plaintiff Johnny Saturn's Application to Proceed in District Court Without Prepaying Fees or Costs, filed on April 26, 2020 (Doc. #5), and Plaintiff's Complaint filed April 24, 2020 (Doc. #1). The case was referred to a United States Magistrate Judge for report and recommendation. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72; Loc. R. W. D. Tex. Appx. C, R. 1(d). The magistrate judge signed a report and recommendation on May 11, 2020 (Doc. #7), recommending that this court dismiss Garcia's lawsuit as frivolous under 28 United States Code Section 1915(e)(2).

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within 14 days after being served with a copy of the report and recommendation and thereby secure *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). The record shows that all parties had notice of the report and recommendations by May 11, 2020 and that objections were due on or

before May 25, 2020. Saturn filed objections to the report and recommendation on May 13, 2020 (Doc. #9). In light of the objections, the court undertakes a *de novo* review of the motions, responses, replies, objections, applicable law, and entire record in the cause. The court is of the opinion that the objections do not raise any issues that were not adequately addressed in the report and recommendation. Therefore, finding no error, the court will accept and adopt the report and recommendation as filed for substantially the reasons stated therein. Accordingly,

IT IS ORDERED that the Saturn's objections to the report and recommendation of the United States Magistrate Judge are **OVERRULED**.

IT IS FURTHER ORDERED that the report and recommendation of the United States Magistrate Judge filed May 11, 2020 (Doc. #7) is **ACCEPTED AND ADOPTED** by the court.

IT IS FURTHER ORDERED that Saturn's Application to Proceed in District Court Without Prepaying Fees or Costs, filed on April 26, 2020 (Doc. #5) is **DENIED**.

IT IS FINALLY ORDERED that Saturn's complaint is **DISMISSED WITH PREJUDICE** as frivolous under 28 United States Code Section 1915(e)(2).

SIGNED this 18th day of May, 2020.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE